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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,109	05/06/2005	Mattia De Dominicis	102792-442 (11133P6)	2693
27389 7590 12/05/2007 NORRIS, MCLAUGHLIN & MARCUS 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022			EXAMINER MRUK, BRIAN P	
			ART UNIT 1796	PAPER NUMBER
			MAIL DATE 12/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/531,109

Applicant(s)

DE DOMINICIS ET AL.

Examiner

Brian P. Mruk

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 10-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office action is in response to Applicant's amendment filed June 5, 2007. Applicant has amended claim 1. Claims 6-9 have been cancelled. New claims 10-16 have been added. Currently, claims 1-5 and 10-16 remain pending in the application.
2. The text of those sections of Title 35 U.S. Code not included in this action can be found in the prior Office action, Paper No. 20070130.
3. The rejection of claims 1-5 under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Smith et al, US 2003/0070692, is maintained for the reasons of record.
4. The rejection of claims 1-5 under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cordellina et al, GB 2,371,307, is maintained for the reasons of record.
5. The rejection of claims 6-9 under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Forth et al, US 2003/0017955, is withdrawn in view of applicant's amendments and remarks. Specifically, claims 6-9 have been cancelled.

## **NEW GROUNDS OF REJECTION**

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al, US 2003/0070692, in view of Black, U.S. Patent No. 6,239,166.

The primary reference of Smith et al, US 2003/0070692, discloses a method and composition for cleaning or sanitizing carpet or upholstery that contains a surfactant and builder (see abstract). It is further taught by Smith et al that the composition further contains dyes, perfumes, defoaming agents, thickeners and solvents (see paragraphs [0140-0183]), and that the composition can be packaged in a "tear and pour" pouch or a water-soluble packet (see paragraph [0186]). Smith et al further discloses that the composition is used in a steam cleaner or a carpet-cleaning machine that contains water (see paragraphs [0190-0202]), per the requirements of the instant invention. Specifically, note Examples 1-3. The examiner asserts that the carpet cleaning compositions disclosed in Smith et al would inherently meet the surface tension requirements of the instant invention, since the carpet cleaning compositions of Smith et al contain all of the required components in the amounts required in the instant claims, absent a showing otherwise. Smith et al does not teach or suggest a carpet cleaning

composition that contains a silicone glycol copolymer or a fluorosurfactant, as required in instant claims 10-16.

The secondary reference of Black, U.S. Patent No. 6,239,166, discloses a composition for cleaning carpets and rugs (see abstract). It is further taught by Black that the composition contains a super wetting surfactant, such as a silicone glycol copolymer and a fluorinated anionic surfactant, which enhances the composition by uniformly distributing the other components over the surfaces of the carpet without forming any sticky deposits (see col. 2, lines 32-56).

Therefore, in view of the teachings of the secondary reference, one having ordinary skill in the art would be motivated to modify the primary reference by using a super wetting surfactant, such as a silicone glycol copolymer and a fluorinated anionic surfactant, to enhance the carpet cleaning composition by uniformly distributing the other components over the surfaces of the carpet without forming any sticky deposits. Such modification would be obvious because one would expect that the use of a super wetting surfactant, such as a silicone glycol copolymer and a fluorinated anionic surfactant, as taught by Black, would be similarly useful and applicable to the analogous carpet cleaning composition and process of using the carpet cleaning composition taught by Smith et al.

8. Claims 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cordellina et al, GB 2,371,307, in view of Black, U.S. Patent No. 6,239,166.

The primary reference of Cordellina et al, GB 2,371,307, discloses a liquid detergent composition comprising a surfactant and a fatty acid salt (see abstract). It is further taught by Cordellina et al that the composition further contains solvents, silicones, emulsifying agents, builders, foam controllers, thickeners, fragrances and colorants (see page 9, lines 36-38 and page 10, lines 20-30), and that the composition is suitable for use in a water-soluble container where the container is simply added to a large quantity of water, wherein the water-soluble container is a water-soluble polymer, such as polyvinyl alcohol (see page 11, lines 6-38), per the requirements of the instant invention. Specifically, note Examples 1-10. The examiner asserts that the detergent compositions disclosed in Cordellina et al would inherently meet the surface tension requirements of the instant invention, since the detergent compositions of Cordellina et al contain all of the required components in the amounts required in the instant claims, absent a showing otherwise. Cordellina et al does not teach or suggest a detergent composition that contains a silicone glycol copolymer or a fluorosurfactant, as required in instant claims 10-16.

The secondary reference of Black, U.S. Patent No. 6,239,166, discloses a composition for cleaning carpets, fabrics and rugs (see abstract). It is further taught by Black that the composition contains a super wetting surfactant, such as a silicone glycol copolymer and a fluorinated anionic surfactant, which enhances the composition by uniformly distributing the other components over the surfaces of the fabric without forming any sticky deposits (see col. 2, lines 32-56).

Therefore, in view of the teachings of the secondary reference, one having ordinary skill in the art would be motivated to modify the primary reference by using a super wetting surfactant, such as a silicone glycol copolymer and a fluorinated anionic surfactant, to enhance the detergent composition by uniformly distributing the other components over the surfaces of the fabric without forming any sticky deposits. Such modification would be obvious because one would expect that the use of a super wetting surfactant, such as a silicone glycol copolymer and a fluorinated anionic surfactant, as taught by Black, would be similarly useful and applicable to the analogous detergent composition and process of using the detergent composition taught by Cordellina et al.

### ***Response to Arguments***

9. Applicant's arguments filed June 5, 2007 have been fully considered but they are not persuasive.

Applicant argues that Smith et al, US 2003/0070692, does not teach or suggest in general a carpet cleaning composition that contains a super wetting agent. However, the examiner respectfully disagrees. Specifically, the examiner asserts that Smith et al clearly discloses a method and composition for cleaning or sanitizing carpet or upholstery that contains a surfactant (see abstract). Furthermore, the examiner asserts that a surfactant is a super wetting agent, since these two terms are synonymous.

Applicant argues that Cordellina et al, GB 2,371,307, does not teach or suggest in general a carpet cleaning composition that contains a super wetting agent. However,

the examiner respectfully disagrees. Specifically, the examiner asserts that Cordellina et al clearly discloses a detergent composition that contains a surfactant (see abstract). Furthermore, the examiner asserts that a surfactant is a super wetting agent, since these two terms are synonymous.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Mruk whose telephone number is (571) 272-1321. The examiner can normally be reached on Mon-Thurs (7:00 AM-5:30 PM).



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Blm*

Brian P Mruk  
December 3, 2007

*Brian P. Mruk*

Brian P Mruk  
Primary Examiner  
Art Unit 1796